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10 Attorneys for Defendants

11 UNITED STATES DISTRICT COURT

12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 GIL CROSTHWAITE and RUSS BURNS, in their  
 14 respective capacities as Trustees of the  
 OPERATING ENGINEERS' HEALTH AND  
 WELFARE TRUST FUND, et al.,

15 Plaintiffs,

16 v.

17 JAMES RAY BECK, individually, and *dba* JRB  
 18 GRADING & PAVING *aka* JRB GRADING &  
 19 PAVING, LLC., a Limited Liability Company,

20 Defendants.

21 Case No.: C11-0454 SC

22 **JOINT CASE MANAGEMENT  
 STATEMENT AND REQUEST FOR  
 CONTINUANCE**

23 Date: November 18, 2011  
 Time: 10:00 a.m.  
 Courtroom: 1, 17<sup>th</sup> Floor  
 450 Golden Gate Avenue  
 San Francisco, CA 94102  
 Judge: Honorable Samuel Conti

24 Plaintiffs and Defendants jointly request that the Case Management Conference scheduled  
 for November 18, 2011, at 10:00 a.m. be continued for approximately 45 days, as follows:

25 1. On May 27, 2011, Plaintiffs filed an Amended Complaint in Crosthwaite v. Paul T.  
 Beck Contractors, Inc. ("PTB Matter"), Case No C10-0151-SC, to include all Defendants named  
 in this Action as co-Defendants on a theory of alter ego liability.

26 2. On June 24, 2011, all Defendants filed their Answer to the Amended Complaint in

-1-

27 **JOINT CASE MANAGEMENT STATEMENT AND REQUEST FOR CONTINUANCE**  
 28 **Case No.: C11-0454 SC**

1 the PTB Matter.

2       3. On July 15, 2011, Plaintiffs filed an Administrative Motion to Consider Whether  
3 this Matter should be related to the PTB Matter, Pursuant to Civil Local Rule 3-12.

4       4. On July 22, 2011, the Court issued a Related Case Order, relating the two matters  
5 before the Honorable Samuel Conti.

6       5. The Parties are currently engaged in active settlement discussions and are working  
7 toward an informal resolution of this Matter. It is the consensus of the Parties that if a settlement  
8 can be reached outside of Court, it will be reached in the next several weeks. All Defendants are  
9 aware that if a resolution cannot be reached informally, Plaintiffs will file a Motion for Summary  
10 Judgment against all Defendants named in the PTB Matter.

11       6. Given the state of the Parties' settlement discussions, there is nothing to discuss at a  
12 Case Management Conference at the present time.

13       7. We therefore jointly request that the Case Management Conference be continued  
14 for approximately 45 days to allow the Parties time to conclude their settlement discussions. All  
15 related deadlines (such as Rule 26 disclosures) shall also be continued along with the Case  
16 Management Conference.

17 Dated: November 10, 2011

SALTZMAN & JOHNSON  
LAWCORPORATION

18

19 By: \_\_\_\_\_ /s/  
20 Blake E. Williams  
Attorneys for Plaintiffs

21 Dated: November 10, 2011

BOHNEN, ROSENTHAL & KREEFT

22

23 By: \_\_\_\_\_ /s/  
Sergio H. Parra  
Attorneys for Defendants

24 IT IS SO ORDERED.

25       The currently set Case Management Conference is hereby continued to 3/9/12 at  
26 10:00 a.m. All related deadlines are extended accordingly.

27 Date: 11/14/11



**PROOF OF SERVICE:**

**2** | I, the undersigned, declare:

I am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On November 10, 2011, I served the following document(s) on the parties to this action in  
the manner described below:

**JOINT CASE MANAGEMENT STATEMENT AND REQUEST FOR CONTINUANCE**

**9      XX** **ELECTRONICALLY** by causing said document to be electronically filed using the  
Court's Electronic Court Filing ("ECF") System and service was completed by electronic  
means by transmittal of a Notice of Electronic Filing on the registered participants of the  
ECF System.

To:

Andrew B. Kreeft, Esq.  
Sergio H. Parra, Esq.  
Bohnen, Rosenthal & Kreeft  
787 Munras Avenue, Suite 200  
Monterey, California 93940  
**VIA ECF**  
*Attorneys for Defendants*

I declare under penalty of perjury that the foregoing is true and correct and that this  
declaration was executed on this 10th day of November, 2011, at San Francisco, California.

/s/  
Elise Thurman